

LABEL, IN PART: "R-Best Brand Spinach * * * Stockton Food Products, Inc., Stockton, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: June 12, 1947. The Stockton Food Products Co. having appeared as claimant, the product was ordered released under bond, conditioned that the unfit portion be destroyed under the supervision of the Food and Drug Administration and that the remainder be delivered to the consignee.

11258. Adulteration of canned spinach. U. S. v. 219 Cases, etc. (F. D. C. No. 17256. Sample Nos. 29899-H, 29902-H.)

LIBEL FILED: August 31, 1945, Territory of Hawaii.

ALLEGED SHIPMENT: On or about August 8, 1945, by American Factors, Ltd., from San Francisco, Calif.

PRODUCT: Canned spinach. 219 cases, each containing 6 6-pound, 2-ounce cans, and 48 cases, each containing 24 1-pound, 11-ounce cans, at Honolulu, T. H.

LABEL, IN PART: "Hit Parade California Spinach packed by Fruitvale Canning Co. Oakland, Calif.," or "Diamond Head Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: November 5, 1945. The shipper having consented to the entry of a decree, the product was condemned and ordered forfeited.

TOMATOES AND TOMATO PRODUCTS

11259. Misbranding of canned tomatoes. U. S. v. Ripley Canning Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 17815. Sample No. 89873-F.)

INFORMATION FILED: December 4, 1946, Western District of Tennessee, against the Ripley Canning Co., a partnership, Ripley, Tenn.

ALLEGED SHIPMENT: On or about September 26, 1944, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Forked Deer Brand Contents 1 Lb. 3 Oz. Hand Packed Tomatoes Packed by Humboldt Canning Co., Humboldt, Tenn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared weight; Section 403 (h) (1), it fell below the standard of quality prescribed for canned tomatoes, because of the low drained weight and the tomato peel in excess of the amount permitted by the regulations; and, Section 403 (h) (2), it failed to conform to the standard of fill of container prescribed for canned tomatoes since the fill of container was less than 90 percent of the total capacity of the container. The label failed to bear, as specified by the regulations, a statement that the article fell below the standard of quality and fill of container.

DISPOSITION: January 17, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

11260. Adulteration and misbranding of tomato puree. U. S. v. Califruit Canning Co., a partnership, Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli. Pleas of guilty. Fines of \$250 against the partnership defendant and \$5.00 against each of the individual defendants. (F. D. C. No. 20212. Sample Nos. 7322-H, 7938-H, 8150-H, 8152-H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against the Califruit Canning Co., trading and doing business at Manteca, Calif., and Dino A. Vollandri, Alfred Vollandri, and Silvio Montanelli, partners.

ALLEGED SHIPMENT: On or about October 23 and 25 and November 9 and 13, 1945, from the State of California into the States of New York and New Jersey.

LABEL, IN PART: (Portion, cans) "Lulu Brand Supreme Product of Distinction B. Dorman and Sons, Brooklyn, N. Y. Distributors Extra Heavy Tomato Puree"; (remainder, cases) "Unlabeled Tomato Puree, Ex. Heavy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding (1 lot only), Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be and was represented as tomato puree, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: March 20, 1947. Pleas of guilty having been entered, the court imposed fines of \$250 against the partnership defendant and \$5.00 against each of the three individual defendants.

11261. Adulteration of tomato puree. U. S. v. St. Marys Packing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 20110. Sample Nos. 28258-H, 31524-H.)

INFORMATION FILED: July 3, 1946, against the St. Marys Packing Co., a corporation, St. Marys, Ohio.

ALLEGED SHIPMENT: On or about March 2 and 3, 1945, from the State of Ohio into the States of Washington and California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

11262. Adulteration and misbranding of tomato puree. U. S. v. 139 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 20056, 21803, 22324. Sample Nos. 25899-H, 35807-H, 57268-H.)

LIBELS FILED: June 5 and December 3, 1946, and February 28, 1947, District of Colorado, Eastern District of Missouri, and District of Massachusetts.

ALLEGED SHIPMENT: On or about November 19, 1945, and October 21 and 26, 1946, by Flotill Products, Inc., from Modesto and Stockton, California.

PRODUCT: Tomato puree. 139 cases, each containing 6 6-pound, 9-ounce cans, at Denver, Colo.; 249 cases, each containing 24 1-pound, 12-ounce cans, at St. Louis, Mo.; and 99 cases, each containing 24 1-pound, 12-ounce cans, at Springfield, Mass. Examination showed that the St. Louis and Springfield lots were short-weight and that the Denver lot contained decomposed tomato material.

LABEL, IN PART: "Flotilla Tomato Puree Contents 1 Lb. 12 Ozs. [or "Contents 6 Lbs. 9 Oz."]."

NATURE OF CHARGE: Denver lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

St. Louis and Springfield lots. Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: July 30, 1946, and February 28 and May 20, 1947. Flotill Products, Inc., Stockton, Calif., claimant for the St. Louis and Springfield lots, having consented to the entry of decrees, and no claimant having appeared for the Denver lot, judgments of condemnation were entered. The Denver lot was ordered destroyed; and the St. Louis and Springfield lots were ordered released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency. The latter lots were relabeled.

11263. Adulteration of tomato puree. U. S. v. 3,000 Cases * * *. (F. D. C. No. 20365. Sample Nos. 58623-H, 58624-H, 58677-H, 58678-H.)

LIBEL FILED: July 8, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about October 25 and 26, 1945, by the St. Claire Packing Co., from San Jose, Calif.

PRODUCT: 3,000 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.